

\*\*E-filed 5/31/07\*\*

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Attorneys for Defendant  
 UNION PACIFIC CORPORATION

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

ARTHUR G. MAIONCHI, EDWARD A.  
 MAIONCHI, THOMAS S. DINETTE, and  
 CHARLES J. KRAFT,

Plaintiffs,

v.

UNION PACIFIC CORPORATION, a Utah  
 corporation,

Defendant.

**Case No.: C-03-0647-JF**

STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND CERTAIN  
 PRETRIAL DATES

Plaintiffs Arthur G. Maionchi, Edward A. Maionchi, Thomas S. Dinette, and Charles K. Kraft and Defendant Union Pacific Corporation ("Union Pacific") hereby stipulate to extend certain pretrial dates for approximately three to four weeks to enable the parties to devote their resources to engaging in further settlement discussions, and request that the Court enter the accompanying proposed order granting the requested extensions.

1. At the most recent case management conference, held on February 2, 2007, the Court adopted the following pretrial and trial schedule, as proposed by the parties:

- Completion of Fact Discovery: April 27, 2007
- Last Date for Disclosure of Experts: May 11, 2007

- Close of Expert Discovery: May 31, 2007
- Last Day to File Dispositive Motions: June 8, 2007
- Last Day to Hear Dispositive Motions: July 20, 2007
- Pretrial Conference: September 7, 2007
- Trial: October 2, 2007

2. On January 22, 2007, the parties participated in a mediation session with Martin Quinn of JAMS in San Francisco. The parties were unable to reach a settlement at that time. The parties recently agreed to engage in a further mediation session with Mr. Quinn, but have been informed that he is currently out of the country until June 11<sup>th</sup>, and that the first date he is available is June 14<sup>th</sup>. The parties are in the process of scheduling a mediation session with Mr. Quinn for June 14<sup>th</sup>.

3. To enable the parties to devote their resources to settlement discussions, they hereby stipulate to extend the deadlines for the close of expert discovery, and for filing and hearing dispositive motions, as follows:

- Close of Expert Discovery: June 26, 2007
- Last Day to File Dispositive Motions: June 29, 2007
- Last Day to Hear Dispositive Motions: August 10, 2007

The Pretrial Conference would remain September 7, 2007, and Trial Date would remain October 2, 2007.

Respectfully submitted,

DATED: May 29, 2007

BARG COFFIN LEWIS & TRAPP, LLP  
JOHN F. BARG  
MARC A. ZEPPELLO

By: /s/ Marc A. Zeppetello  
MARC A. ZEPPELLO  
Attorneys for Defendant  
UNION PACIFIC CORPORATION

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1 DATED: May 29, 2007

2 ALLEN MATKINS LECK GAMBLE  
3 MALLORY & NATISIS LLP  
4 DAVID D. COOKE

5 COX CASTLE & MICHOLSON LLP  
6 STUART I. BLOCK

7 By: /s/ David D. Cooke  
8 DAVID D. COOKE  
9 Attorneys for Plaintiffs

10 Attestation Regarding Signature: This document is being filed electronically under my  
11 user ID and Password. Pursuant to General Order 45, section XB, I hereby attest that  
12 concurrence in the filing of this documents has been obtained from each of the other signatories  
13 to this document. I declare under penalty of perjury under the laws of the United States that the  
14 foregoing is true and correct. Executed May 29, 2007.

15 By: /s/ Marc A. Zeppetello  
16 MARC A. ZEPPELLO  
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**[PROPOSED] ORDER**

FOR GOOD CAUSE SHOWN, the Court modifies the case management schedule as follows:

- Close of Expert Discovery: June 26, 2007
- Last Day to File Dispositive Motions: June 29, 2007
- Last Day to Hear Dispositive Motions: August 10, 2007

The Pretrial Conference remains September 7, 2007, and Trial Date remains October 2, 2007.

Dated: 5/31, 2007

  
Honorable Jeremy Fogel  
United States District Judge

**PROOF OF SERVICE BY FACSIMILE TRANSMISSION**

I, Marianne Horn, declare that I am over the age of eighteen years and not a party to this action. I am an employee of Barg Coffin Lewis & Trapp, LLP ("the Firm") and my business address is One Market, Steuart Tower, Suite 2700, San Francisco, California 94105-1475.

On May 29, 2007, I served the following document in this cause:

**STIPULATION AND [PROPOSED] ORDER  
TO EXTEND CERTAIN PRETRIAL DATES**

by facsimile transmission to the individuals and facsimile numbers set forth below. I caused said document to be transmitted by facsimile machine to the addresses listed below at the facsimile numbers listed below. I am readily familiar with the Firm's practice for transmissions by facsimile. Pursuant to that practice, transmissions are sent as soon as possible and are repeated, if necessary, until they are reported as complete and without error. In sending the above-described document by facsimile, I followed the Firm's ordinary business practices.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 29, 2007, at San Francisco, California.

\_\_\_\_\_  
/s/ Marianne Horn  
Marianne Horn